

REMARKS

Claims 1-38 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Specification

The Examiner has objected to the specification noting that the serial numbers of the related, co-pending U.S. patent applications are missing. The specification has been amended herein to include the serial numbers of the related, co-pending patent applications. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1-5, 7, 9, 12-15, 17, 19-25, 27, 29, 32-35 and 37 stand rejected under 35 U.S.C. 102(c) as being anticipated by Taylor. This rejection is respectfully traversed.

Claims 1, 19 and 21, as amended herein, include the features of first and second sides of the cradle being fixed relative to one another during imaging of the bound document, and controlling the cradle positioning mechanism to selectively position the cradle along a directional axis. Claim 19 further includes the feature of the sides of the cradle being movable relative to each other so as to selectively adjust a distance therebetween to accommodate the bound document prior to imaging the bound document. As discussed in further detail below, Taylor does not anticipate claims 1, 19 and 21.

When applying a reference under 35 U.S.C. §102, it is well established that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."¹ Further, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim."² As discussed in further detail below, Taylor fails to set forth each and every element of claims 1, 19 and 21. Consequently,

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

² *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)

Taylor fails to show the identical systems and method in as complete detail as is contained in respective claims 1, 19 and 21.

Taylor describes a method and apparatus for the viewing and acquisition of images of a document (see Abstract). With particular reference to Figs. 4A, 4B, and 6A-8B, Taylor describes a cradle assembly 200 having a left cradle half 210 and a right cradle half 260 to hold a book in position, and to present open pages of the book for image acquisition (see paragraphs [0093] and [0096]). The left and right cradle halves 210, 260 include linkages 218, 268, respectively, which define an adjustment path of the cradle halves 210, 260 (see paragraph [0096]). Further, the cradle halves 210, 260 are adjustable relative to one another in an x-direction using left and right slide mechanisms 248, 298, respectively (see paragraph [0105]).

The components of the cradle assembly 200 are adjusted during imaging of the document to properly locate pairs of open pages of the book within a focal plane and field of view of a camera to acquire an image of each page (see paragraph [0101]). During imaging of the document, respective drive motors 220, 270 are implemented to adjust the positions of the cradle halves 210, 260 relative to one another along a path defined by the linkages 218, 268, and along the x-direction using the slide mechanisms 248, 298 (see paragraphs [0103]-[0104]). With particular reference to Figs. 8A and 8B of Taylor, the left cradle half 210 is in a first position relative to the right cradle half 260 at the beginning of the imaging (see Fig. 8A). As the imaging progresses, the cradle halves 210, 260 are adjusted relative to one another to account for the increased number of pages on the left side, and the decreased number of pages on the right. At the end of the imaging, the left cradle half 210 is in a second position relative to the right cradle half 260 (see Fig. 8B).

Taylor does not disclose the feature of a cradle having first and second sides fixed relative to one another during imaging of the bound document. In fact, Taylor describes just the opposite. More specifically, the cradle halves 210, 260 of the cradle assembly 200 of Taylor are adjusted relative to one another during imaging of the document, as described in detail above. Further, Taylor fails to disclose the feature of selectively positioning the cradle along a directional axis relative to a camera. As discussed in detail above, the cradle halves 210, 260 of

Taylor are adjusted relative to one another. Although the cradle halves 210, 260 are adjustable relative to one another along the x-direction, Taylor does not describe the cradle assembly 200, as a whole, being adjustable along the x-direction during imaging of the document.

In view of the foregoing, Taylor fails to set forth each and every element of claims 1, 19 and 21, and fails to show the identical systems and method in as complete detail as is contained in respective claims 1, 19 and 21. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for recognizing the allowable subject matter of claims 6, 8, 10, 11, 16, 18, 26, 28, 31, 36 and 38. Applicants have presently refrained from rewriting any of claims 6, 8, 10, 11, 16, 18, 26, 28, 31, 36 and 38 in view of the remarks and amendments herein.

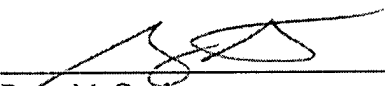
CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

Applicants have co-filed herewith a Petition to Revive under 37 CFR §1.137(b). All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 16113-1304001.

Respectfully submitted,

Date: July 9, 2008



Ryan McCarthy
Reg. No. 50,636

Fish & Richardson P.C.
One Congress Plaza, Suite 810
111 Congress Avenue
Austin, TX 78701
Telephone: (512) 472-5070
Facsimile: (877) 769-7945